

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

DISCIPLE ANN PARRIS,

Plaintiff,

ORDER

-against-

00 Civ. 5211 (WK)

BELL ATLANTIC TELEPHONE CO.,
NY TELEPHONE CO., and NYNEX,

Defendants.

X

WHITMAN KNAPP, SENIOR U.S.D.J.:

Plaintiff Ann Parris, having paid the filing fees, brings this action pro se. To the extent that the Court can understand plaintiff's complaint, she alleges that defendants have failed to list several telephone numbers she uses in her ministry organizations in the White or Yellow Pages. It also appears that plaintiff may claim that defendants have failed to activate those telephone numbers. Plaintiff seeks monetary damages of \$50,000. Defendant New York Telephone Company has moved to dismiss the complaint. We grant the motion for several reasons.

First, we do not have subject matter jurisdiction. To invoke federal question jurisdiction, the claim must arise "under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. "Federal question jurisdiction may be properly invoked only if the . . . [allegations] necessarily draw[] into question the interpretation or application of federal law." State of New York v. White (2d Cir. 1975) 528 F.2d 336, 338. The instant

complaint's constitutional claim appears to be nothing more than a state court claim "recloaked in constitutional garb"; thus, the constitutional claim does not confer jurisdiction. Anderson v. Bowen (2d Cir. 1989) 881 F.2d 1, 5 & n.10. In addition, federal jurisdiction is unavailable under 28 U.S.C. § 1332 because diversity of citizenship is not alleged to exist between plaintiff and the defendants, and the amount in controversy does not meet the statutory requirement.

Moreover, plaintiff's unintelligible complaint does not provide "a short and plain statement of the claim showing that the pleader is entitled to relief," Fed. R. Civ. P. 8(a), or any reasonable legal theory. See Fed. R. Civ. P. 12(b)(6). It gives defendants insufficient information to answer and prepare for trial.

Although normally we would permit amendment of a fee-paid complaint to cure defects, we need not follow such a step when, as here, the complaint is clearly frivolous. We note that this particular plaintiff has filed at least eight prior actions in this Court, all of them entirely meritless. See Parris v. Kelly (S.D.N.Y. Nov. 30, 1993) No. 93 Civ. 7391, 1993 WL 497979 (Sweet, J.) (dismissing sua sponte plaintiff's fee-paid but fantastic and delusional complaint); Parris v. United States Post Office (S.D.N.Y. Dec. 31, 1996) No. 92 Civ. 7981, 1996 WL 744865 (McKenna, J.) (dismissed sua sponte under doctrine of sovereign immunity); Parris v. Dinkins (S.D.N.Y. Dec. 13, 1993) No. 93 Civ. 3803 (unpublished order) (Wood, J.) (dismissed under Fed. R. Civ. P. 4); Parris v. Guiliani (S.D.N.Y. May 31, 1995) No. 94 Civ. 6168, 1995 WL 324763 (Leisure, J.) (same); Parris v. Guiliani (S.D.N.Y. Nov. 26, 1996) No. 94 Civ. 6167 (unpublished

order) (Scheidlin, J.) (dismissed sua sponte for lack of subject matter jurisdiction); Parris v. NYNEX Tel. Co. (S.D.N.Y. Apr. 23, 1997) No. 97 Civ. 2101 (unpublished order) (Kaplan, J.) (same); Parris v. Guiliani (S.D.N.Y. Nov. 27, 1996) No. 95 Civ. 10190 (unpublished order) (Keenan, J.) (granting motion to dismiss under Fed. R. Civ. P. 12(b)(6)); Parris v. Local 32B-32J (S.D.N.Y. June 12, 1998) No. 96 Civ. 3604, 1998 WL 312161 (Koeltl, J.) (granting motion to dismiss and for summary judgment).

Hence, we GRANT defendant New York Telephone Company's motion to dismiss. The Clerk of the Court is directed to enter judgment dismissing the complaint with prejudice.

SO ORDERED.

September 29, 2000
New York, New York

WHITMAN KNAPP, SENIOR U.S.D.J.

For Plaintiff:

Ann Parris
41 Saint Nicholas Terrace
JAH Suite # 58
New York, NY 10027

For Defendant:

Carol Abramson, Esq.
1095 Avenue of the Americas
New York, NY 10036